

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

FRANCESCA GINO,

Plaintiff,

V.

C.A. No. 23-cv-11775-MJJ

PRESIDENT AND FELLOWS OF
HARVARD COLLEGE, SRIKANT
DATAR, JOHN DOES 1-10 AND
JANE DOES 1-10,

Defendants.

AFFIDAVIT OF JOSEPH SIMMONS

I, Joseph Simmons, hereby depose and state as follows.

1. I was previously a defendant in the above-captioned action. I make this affidavit on personal knowledge in support of my motion for sanctions against plaintiff Francesca Gino and her former counsel, Nesenoff & Miltenberg LLP.

2. I, Uri Simonsohn, and Leif Nelson publish a blog called “Data Colada.”

3. In 2021, Simonsohn, Nelson and I approached Harvard Business School (“HBS”) with concerns about potential data falsification in four studies published by HBS professor Francesca Gino. In December of that year, we submitted a memorandum to HBS explaining the reasons for our belief that data falsification was present in the four studies.

4. Neither I nor either of my colleagues ever negotiated any agreement with Harvard or Srikant Datar concerning Professor Gino or HBS's investigation into potential data falsification in her studies. We never discussed the creation or adoption of HBS's "Interim Policy and Procedures for Responding to Allegations of Research Misconduct" with anyone at

Harvard. My colleagues and I never negotiated or reached an agreement whereby HBS would disclose to us the outcome of its investigation into Prof. Gino's studies in exchange for our silence during the pendency of the investigation.

Signed under the pains and penalties of perjury this 9th day of May, 2025,

/s/ Joseph Simmons
Joseph Simmons

CERTIFICATE OF SERVICE

I hereby certify that the within document filed through the CM/ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing and by first-class mail to any non-registered participants.

/s/ Jeffrey J. Pyle
Jeffrey J. Pyle